REMARKS/ARGUMENTS

The Office Action mailed March 9, 2004 has been reviewed and carefully considered. Claims 1-10 are pending in this application, with claims 1 and 5 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed August 4, 2003, claims 1-10 stand rejected under 35 U.S.C. §103 as unpatentable over EP 0 597 638 (Beddoes) in view of U.S. Patent No. 5,295,180 (Vendetti).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a method and system for changing a subscriber profile based on the identity of a base station serving the subscriber terminal. As is known in the art, base stations transmit information signals such as, for example, CGI (cell global identity) information in the BCCH (Broadcast Control Channel) in a mobile communication network which includes a cell identifier of the cell (see page 2, line 21 - page 3, line 3). As is also known in the art, the cell identifier (CI) is a 16-bit identifier used in conjunction with a location area identifier to uniquely identify a base station. However, network reconfigurations commonly require changes in cell identifiers (see page 3, lines 2-3). If the cell identifier of the home cell of a mobile terminal changes due to a network reconfiguration, the mobile network will not recognize the new cell identifier. The present invention overcomes this problem by assigning to the base station a permanent base station identity designation that is maintained in addition to a cell identifier and that does not change in network reconfigurations (page 5, lines 6-7 and page 8, lines 7-9). More specifically, a cell broadcast server 4 includes or implements supervision software 41 which creates and assigns an extra or additional identity of a

permanent nature for each of the base stations (page 8, lines 7-9). The supervision software 41 and base station controller 3 assure that the permanent base station identity designation is included in the information signal that is transmitted by the base station to all mobile equipment in its communication coverage area (page 8, lines 11-14). This allows a mobile terminal to identify or recognize a particular base station in whose area the mobile terminal is currently located on the basis of the permanent base station identity designation.

Independent claims 1 and 5 each expressly recite transmitting a permanent base station identity designation in an information signal from the base station to a terminal, wherein the permanent base station identity designation uniquely identifies the base station independent of mobile communication network configuration changes, and wherein the permanent base station identity designation is separate from a cell identity of a global cell identifier of the base station.

Independent claims 1 and 5 are allowable over Beddoes in view of Vendetti because neither Beddoes nor Vendetti discloses or provides any motivation for creating and assigning a permanent base station identity designation to the base station for uniquely identifying the base station independent of mobile communication network configuration changes, wherein the permanent base station identity designation is separate from a cell identity of a global cell identifier of the base station, and wherein the permanent base station identity designation is transmitted from the base station to the terminal equipment as part of an information signal.

Beddoes discloses a cellular communication system in which each base station emits a cell identifying signal on a control channel (see col. 1, lines 47-48 of Beddoes). This transmission is similar to the transmission of an information signal by a base station as disclosed at page 2 line 21

to page 3, line 3 of the present specification. Beddoes further discloses that the cell identifying signal causes a corresponding identification signal to be provided by the mobile terminal to the user (col. 2, lines 42-46). Beddoes further discloses that the actual identification provided to the user by the mobile terminal could identify the area by name or code (i.e., telephone area code or zip code).

The Office Action states that since area names and area codes are permanent, Beddoes teaches that the cell identifying signal is the recited permanent base station identity designation. However, it is respectfully noted that the Office Action ignores an important distinction that col. 2, lines 42-46 of Beddoes makes between (1) the "cell identifying signal" transmitted by the base station to the mobile terminal (col. 2, line 44) and (2) the corresponding "identification signal" to be provided by the mobile terminal to the subscriber (col. 2, lines 45-46). That is, Beddoes discloses only that the "identification signal" provided by the mobile terminal to the user could be an area name or code. However, the identification signal, i.e., the name of the town or city or a post code, is not the signal that is sent from the base station to the mobile station. Rather, the base station of Beddoes transmits a "cell identifying signal". There is no teaching or suggestion that the "cell identifying signal" is an area name or code. Instead, the mobile terminal in Beddoes receives the "cell identifying signal" and determines which "identification signal", which may be a visual or an audio signal, corresponds to the received "cell identifying signal" (col. 2, lines 44-46). The corresponding identification signal, which may be an area or code, is then presented to the user.

Moreover, independent claims 1 and 5 require that the permanent base station identity designation "uniquely identify" the base station. However, there are usually multiple base stations in a town or city or postal code or area code. Accordingly, such identities would

not be a unique permanent base station identity designation for a base station, as is recited in each of independent claims 1 and 5.

As determined in the foregoing remarks, the disclosure of Beddoes does not in any way disclose, teach or suggest a permanent base station identity designation that uniquely identifies the base station and that is transmitted from the base station to the mobile terminal, wherein the permanent base station identity designation is independent of mobile communication network configuration changes and separate from a cell identity of a global cell identifier of the base station, as is recited in independent claims 1 and 5. While the "identification signal" of Beddoes may perhaps be viewed as permanent, it is not a signal that is transmitted from the base station to the mobile terminal and does not uniquely identify the base station. As stated in the Office Action, Beddoes is silent as to how the cell identifying signal emitted by the base station is created and therefore fails to disclose, teach or suggest the creation of a permanent base station identity designation for the base station, as is expressly recited in independent claims 1 and 5.

Vendetti fails to teach or suggest what Beddoes lacks. Vendetti discloses a cellular telephone communication system in which zones Z_1, Z_2, Z_3, ... are defined within a cellular system 50. The zones may comprise subsections of a single cell 52 of the cellular system as shown in Fig. 2 (see col. 4, lines 35-37 of Vendetti). In any event, the zones are separate areas from the cells in Vendetti (see Fig. 2). To determine whether a user is within a zone, each zone has a marker transmitter M_1, M_2, ... which transmits a marker signal identifying the zone (col. 5, lines 14-23). The marker transmitters are separate from the cell transceivers 54 in each cell 52. More specifically, Vendetti discloses that the zone identification is indicated by marker transmitters M_1, M_2, ... and that the cell identification is indicated by cell transceivers 54 (i.e., base stations).

Regarding the cell site transceivers 54 (base stations), Vendetti discloses only that they are connected to a mobile telephone switching office (col. 4, lines 17-29). There is no further teaching or description as to how the identifying signals from the base stations are created. The creation and assignment of identifying signals are assumed to be in accordance with the prior art disclosed in the present application. Accordingly, the disclosure of Vendetti regarding the cell transceivers 54 fails to disclose, teach or suggest assigning of a permanent base station identity designation to the base station for uniquely identifying the base station independent of mobile communication network configuration changes, wherein the permanent base station identity designation is separate from a cell identity of a global cell identifier of the base station, and wherein the permanent base station identity designation is transmitted from the base station to a mobile terminal as part of an information signal, as is recited in independent claims 1 and 5.

The Examiner states that the disclosed control of the marker transmitter designations in Vendetti could be used for controlling base station identities. However, neither Beddoes nor Vendetti provide motivation for providing the recited permanent base station identity designations. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that neither Beddoes nor Vendetti provide any motivation for creating a permanent base station identity designation for uniquely identifying a base station and which is transmitted from the base station to the mobile terminal with an information signal, wherein the permanent base station identity designation is separate from, and in addition to, a cell identity of a global cell identifier of the base station. As described above, Beddoes fails to teach or suggest the recited permanent base station identity designation. Furthermore, Vendetti describes a system for marker transmitters that is incorporated into an existing cellular telephone communication system. Since Vendetti relates to a marker transmitter system that is added to an existing cellular telephone communication system, there is no motivation in Vendetti for modifying the existing base station designations. In view of the foregoing, independent claims 1 and 5 are respectfully deemed allowable over Beddoes in view of Vendetti.

Dependent claims 2-4 and 6-10, each being dependent on one of independent claims 1 and 5, are deemed allowable for at least the same reasons as are independent claims 1 and 5.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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